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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,910	05/31/2001	Ichiko Mayuzumi	1232-4720	7763

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EXAMINER	
FLANDERS, ANDREW C	
ART UNIT	**PAPER NUMBER**
2615	

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/870,910	MAYUZUMI, ICHIKO	
	Examiner	Art Unit	
	Andrew C. Flanders	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9,12,13,15,16,30 and 31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9,12,13,15,16,30 and 31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 May 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01 May 2006 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferriere (U.S. Patent 6,278,478) in view of Fuchigami (U.S. Patent 6,463,410).

Regarding **Claim 1**, Ferriere discloses:

A converence system which includes a transmission apparatus and a reception apparatus for performing communication of two audio signals of L and R channels (Figs. 1 and 2b), wherein

said transmission apparatus comprises:

transmission means for transmitting data (Fig. 1 element 53);

said reception apparatus comprises:

reception means for receving the data (Fig. 1 element 49).

Ferriere does not explicitly disclose that the transmitting data is obtained by the addition of the two audio signals as a first audio data with a first communication channel, and transmitting data obtained by subtraction of the two audio signals as a second audio data with a second communication channel;

notifying means for notifying whether data is transmitted with the first communication channel and the second communication channel, or with the first communication channel; or

the reception means receiving the data obtained by the addition of the two audio signals as the first audio data with the first communication channel and the data obtained by the subtraction of the two audio signals as the second audio data with the second communication channel, control means for controlling a stop of the audio data with the second communication channel in accordance with a notification that the transmission apparatus transmits data with the first communication channel, and restoring means for restoring the audio signal by performing an arithmetic operation on the basis of the audio data received by said reception means.

Fuchigami discloses

the transmitting data is obtained by the addition of the two audio signals as a first audio data with a first communication channel, and transmitting data obtained by subtraction of the two audio signals as a second audio data with a second communication channel (i.e. L+R and L – R are transmitted via a multiplexer; Figs. 1 and 2 and the associated text in the disclosure);

the reception means receiving the data obtained by the addition of the two audio signals as the first audio data with the first communication channel and the data obtained by the subtraction of the two audio signals as the second audio data with the second communication channel, and restoring means for restoring the audio signal by performing an arithmetic operation on the basis of the audio data received by said reception means (i.e. L+R and L – R are received via a de-multiplexer; Figs. 1 and 4 and the associated text in the disclosure).

It would have been obvious to one of ordinary skill in the art at the time of the invention to transmit and receive audio signals as taught by Fuchigami in the apparatus disclosed by Ferriere. One would have been motivated to do so to create a transmission system with a higher compression performance; Fuchigami col. 1 lines 1 – 30 and lines 38 – 67.

Additionally, in view of the above, the combination further discloses:

notifying means for notifying whether data is transmitted with the first communication channel and the second communication channel, or with the first communication channel; and control means for controlling a stop of the audio data with

the second communication channel in accordance with a notification that the transmission apparatus transmits data with the first communication channel (i.e. the IAMAudioInputMixer interface contains a set of methods preferably including put_Enable which is used to enable or disable an audio input in the mixed output, get_enable which is used to determine if an audio input is enabled, put_Mono which is used to determine if all audio channels of an input are combined into a mono audio signal; col. 8 lines 3 – 3).

Regarding **Claim 2**, in addition to the elements stated above regarding claim 1, the combination further discloses:

where the first audio data represents monaural audio and the second audio data represents stereo audio (i.e. Fuchigami discloses a L+R and an L-R signal; Figs. 1 – 4; Applicant defines L+R signal as a monaural signal and an L-R signal as capable of providing a stereo signal in the specification on page 25 and thus the limitation is anticipated by Fuchigami and made obvious by the combiation);

said transmission means of said transmission apparatus transmits, according to whether an audio source of said transmission is the stereo audio or the monaural audio, a change of the audio source to said reception apparatus(i.e. the IAMAudioInputMixer interface contains a set of methods preferably including put_Enable which is used to enable or disable an audio input in the mixed output, get_enable which is used to determine if an audio input is enabled, put_Mono which is used to determine if all audio

channels of an input are combined into a mono audio signal; col. 8 lines 3 – 3 in Ferriere);

said restoring means of said reception apparatus restores the audio signal on the basis of the first audio data obtained by addition of the two audio signals and the second audio data obtained by the subtraction of the two audio signals when the audio source of said transmission apparatus is the stereo audio (i.e. Fig. 1 of Fuchigami and in Ferriere the IAMAudioInputMixer interface contains a set of methods preferably including put_Enable which is used to enable or disable an audio input in the mixed output, get_enable which is used to determine if an audio input is enabled)

, and restores the audio signal on the basis of only the first audio data obtained by the addition of the two audio signals when the audio source of said transmission apparatus is the monaural audio (put_Mono which is used to determine if all audio channels of an input are combined into a mono audio signal; col. 8 lines 3 – 3 in Ferriere)

Regarding **Claim 3**, in addition to the elements stated above regarding claim 1, the combination further discloses:

wherein said transmission means of said transmission apparatus transmits the number of audio channels of said transmission apparatus to said reception apparatus, as describing it at a source description of an RTCP (real time control protocol) packet (i.e. put_Mono which is used to determine if all audio channels of an input are combined

into a mono audio signal; col. 8 lines 3 – 3 in Ferriere and the data is sent via an RTCP channel col. 2 lines 18 – 21 in Ferriere).

Regarding **Claim 4**, in addition to the elements stated above regarding claim 1, the combination further discloses:

wherein said transmission means of said transmission of said transmission apparatus transmits a type of audio input device of said transmission apparatus to said reception apparatus, as describing it at a source description of an RTCP packet (i.e. put_Mono which is used to determine if all audio channels of an input are combined into a mono audio signal (whether it is a mono or stereo input); col. 8 lines 3 – 3 in Ferriere and the data is sent via an RTCP channel col. 2 lines 18 – 21 in Ferriere).

Regarding **Claim 5**, in addition to the elements stated above regarding claim 5, the combination further discloses:

wherein each of said transmission apparatus and said reception apparatus has notification means for notifying its own capability by using a mode request message according to the H.245 standard of ITU-T (International Telecommunication Union Telecommunication Standardization Sector) Recommendation (i.e. a mode request procedure; col. 8 lines 33 – 53 and in order to provide control functions an H.245 control channel is established; col. 2 liens 20 – 25).

Regarding **Claim 6**, in addition to the elements stated above regarding claim 1, the combination further discloses:

wherein said transmission means of said transmission apparatus adjusts the number of channels to be used for transmission, according to the kind of audio source of said transmission apparatus (i.e. Fig. 1 of Fuchigami and in Ferriere the IAMAudioInputMixer interface contains a set of methods preferably including put_Enable which is used to enable or disable an audio input in the mixed output, get_enable which is used to determine if an audio input is enabled), and

said reception means of said reception apparatus adjusts the number of channels to be used for the reception according to the number of channels to be used for transmission (it is inherent that the number of channels received and decoded by the reception apparatus of the combination will be adjusted according to the number of channels enabled in the Ferriere reference).

Regarding **Claims 7 – 9, 12, 13, 15, 16, 30 and 31**, the combination disclosed above regarding claims 1 and 2 make obvious all elements of claims 7 – 9, 12, 13, 15, 16, 30 and 31 except for first and second generation means for generating packet data and transmitting the first and second generated packet data, mainly the transmission and reception of data in packets. The combination further discloses this in Fig. 1 of Ferriere in which a network transmission is shown in element 51. Furthermore, Fuchigama also shows a means for generating a data stream in Fig. 1 element 250. As

such these limitations are also made obvious as the transmission is done through a network and thus packet data is generated.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Flanders whose telephone number is (571) 272-7516. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7546. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SINH TRAN
SUPERVISORY PATENT EXAMINER

acf